

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN SMITH,

Plaintiff,

-against-

UNITED STATES MARSHALS SERVICE, et
al.,

Defendants.

19-CV-3572-LTS

ORDER

On November 4, 2020, The Court received Plaintiff's memorandum of law (Docket Entry No. 41), submitted in response to Defendants' supplement, dated September 11, 2020 (Docket Entry No. 34), to Defendants' pending motion for summary judgment (Docket Entry No. 27). On August 27, 2020, the Court had stayed briefing on that motion pending the filing of Defendants' supplement (see Docket Entry No. 32). On September 14, 2020, the Court issued an Order accepting Defendants' September 11 submission in support of Defendants' motion, and directed Plaintiff to file "[a]ny further submission . . . in opposition to the motion" for summary judgment by October 23, 2020 (Docket Entry No. 35), a deadline the Court extended at Plaintiff's request to November 6, 2020.

Plaintiff writes that his November 4, 2020, memorandum is "not formulated as a response to defendants Summary Judgment motion, just its Supplement provided with respects to the actions and/or inactions of [Defendant] the EOUSA," and reports that it is "Plaintiffs understanding that defendants motion for Summary Judg[ment] is stayed pending further Order of the Court." In response to Plaintiff's memorandum, the Government writes that it would not object to Plaintiff making the arguments presented in that memorandum—which concern, among

other things, the veracity and credibility of the statements made in Defendants' summary judgment papers—in a cross-motion for summary judgment. (Docket Entry No. 40.)

Plaintiff may file his complete opposition papers to Defendants' motion for summary judgment, including any argument not already presented in Plaintiff's November 4, 2020, memorandum, by **December 15, 2020**. To the extent Plaintiff seeks to file a cross-motion for summary judgment, he must also make that motion by **December 15, 2020**. The stay imposed by the Court's Order dated August 27, 2020, is lifted. Chambers will mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: New York, New York
November 9, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:
Plaintiff John Smith